

Senate File 77 - Introduced

SENATE FILE 77

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A BILL FOR

1 An Act relating to abortions, including prohibiting abortions
2 beyond a certain postfertilization age, providing an
3 exception, and providing a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 146A.1 Definitions.

2 As used in this chapter unless the context otherwise
3 requires:

4 1. "*Abortion*" means abortion as defined in section 146.1.

5 2. "*Attempt to perform or induce an abortion*" means an act,
6 or an omission of a statutorily required act, that, under the
7 circumstances as the actor believes them to be, constitutes a
8 substantial step in a course of conduct planned to culminate in
9 the performance or inducing of an abortion.

10 3. "*Fertilization*" means the fusion of a human spermatozoon
11 with a human ovum.

12 4. "*Human pregnancy*" means an individual organism of the
13 species homo sapiens from fertilization until live birth.

14 5. "*Medical emergency*" means a condition which, in
15 reasonable medical judgment, so complicates the medical
16 condition of a pregnant woman as to necessitate the immediate
17 abortion of the human pregnancy to avert the woman's death or
18 for which a delay will create a serious risk of substantial and
19 irreversible physical impairment of a major bodily function.
20 "*Medical emergency*" does not include a condition which is based
21 on a claim or diagnosis that the pregnant woman will engage in
22 conduct which would result in the pregnant woman's death or in
23 substantial and irreversible physical impairment of a major
24 bodily function.

25 6. "*Physician*" means a person licensed under chapter 148.

26 7. "*Postfertilization age*" means the age of the human
27 pregnancy as calculated from the fertilization of the human
28 ovum.

29 8. "*Probable postfertilization age*" means what, in
30 reasonable medical judgment, will with reasonable probability
31 be the postfertilization age of the human pregnancy at the time
32 the abortion is to be performed.

33 9. "*Reasonable medical judgment*" means a medical judgment
34 made by a reasonably prudent physician who is knowledgeable
35 about the case and the treatment possibilities with respect to

1 the medical conditions involved.

2 Sec. 2. NEW SECTION. 146A.2 Abortion prohibited at twelve
3 or more weeks postfertilization age — exception — penalty.

4 1. A physician shall not perform or induce, or attempt to
5 perform or induce, an abortion upon a pregnant woman when it
6 has been determined, by the physician performing or inducing
7 the abortion or by another physician upon whose determination
8 that physician relies, that the probable postfertilization age
9 of the human pregnancy is twelve or more weeks unless, in the
10 physician's reasonable medical judgment, the pregnant woman has
11 a condition which the physician deems a medical emergency.

12 2. A physician who intentionally or recklessly performs or
13 attempts to perform an abortion in violation of this section is
14 guilty of a class "C" felony.

15 3. A woman upon whom an abortion was performed or was
16 attempted to be performed shall not be subject to prosecution
17 for a violation of this section.

18 EXPLANATION

19 This bill relates to abortions. The bill provides
20 definitions used in the bill. The bill provides that, except
21 in the case of a medical emergency, a physician shall not
22 perform or induce, or attempt to perform or induce, an abortion
23 upon a pregnant woman when it has been determined that the
24 probable postfertilization age is 12 or more weeks unless, in
25 the physician's reasonable medical judgment, the pregnant woman
26 has a condition which the physician deems a medical emergency.

27 The bill provides that a physician who intentionally or
28 recklessly performs or attempts to perform an abortion in
29 violation of the bill is guilty of a class "C" felony, which is
30 punishable by confinement for no more than 10 years and a fine
31 of at least \$1,000 but not more than \$10,000. However, the
32 woman upon whom the abortion was performed or was attempted to
33 be performed is not subject to prosecution for a violation of
34 the bill.